



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/696,743

10/27/2003

Cheryl Phillips

1DATA.124A

6300

20995

7590

12/31/2007

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

12/31/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com

eOAPilot@kmob.com

Office Action Summary	Application No. 10/696,743	Applicant(s) PHILLIPS ET AL.	
	Examiner RAMSEY REFAI	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/27/07, 1/27/06, 5/12/06, 10/17/06, 07/06/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Responsive to claims filed October 27, 2003. Claims 1-45 are presented for examination.

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 5/27/04, 1/27/06, 5/12/06, 10/17/06, and 07/06/07 are being considered by the examiner.

Claim Rejections – 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "the location-base device" lacks proper antecedent basis.

Claim Rejections – 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 3627

5. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Goeller et al (US Publication No. 2002/0178112).

6. As per claim 1, Goeller et al teach a system for electronically processing a check received by a merchant, comprising:

a point-of-sale device that electronically converts the check and wherein the point-of-sale device allows such electronic conversion of the check (**paragraphs [0012, 0039-0040]; POS used to convert paper checks into electronic fund transactions**) under one of a plurality of identifiers associated with the merchant (**paragraph [0050]; unique merchant identifier**);

a check processing service linked to the point-of-sale device to receive information about the converted check from the point-of-sale device (**paragraph [0039]; POS check service**) wherein the check processing service performs an authorization process on the check and notifies the merchant via the point-of-sale device of an authorize or decline decision depending on the identifier under which the check was converted (**paragraphs [0040, 0057]**);

wherein at least one of the plurality of identifiers causes the point-of-sale device and the check processing service to convert and authorize the check as an accounts receivable check (**paragraphs [0081-0082, 0096]**) in a manner that is different than that for a check received in a face-to-face transaction (**paragraphs [0091-0096; non-face to face transactions]**).

7. As per claim 2, Goeller et al teach wherein the location-base device comprises a point-of-sale device (**paragraph [0049, 0054]**).

8. As per claim 3, Goeller et al teach wherein the electronic conversion of the check comprises scanning of the check to read the check's magnetic ink character recognition line and to obtain an image of at least a portion of the check (**paragraphs [0039, 0049]**) .

Art Unit: 3627

9. As per claim 4, Goeller et al teach wherein the plurality of identifiers includes an option on the point-of-sale device that, when selected, puts the point-of-sale device into a mode for processing accounts receivable checks (**paragraph [0039, 0049]**).

10. As per claim 5, Goeller et al teach wherein the point-of-sale device in the accounts receivable mode facilitates the check processing service keeping track of accounts receivable checks processed (**paragraph [0081, 0106]; settlement total**) .

11. As per claim 6, Goeller et al teach wherein the point-of-sale device in the accounts receivable mode does not issue a check transaction receipt for the accounts receivable check (**paragraphs [0091-0096; POS device does not issue receipts for non-face to face transactions]**).

12. As per claim 7, Goeller et al teach wherein the check processing service authorizes or declines the check by performing a risk assessment of the check (**paragraphs [0040-0041]**).

13. As per claim 8, Goeller et al teach wherein the check processing service performs the authorization process and notifies the merchant of its decision in a manner that depends at least on a level of service subscribed by the merchant wherein the level of service includes the check processing service guaranteeing or purchasing check transactions it authorizes thereby assuming at least some of the risk associated with the check (**paragraphs [0041]**).

14. As per claim 9-45, these claims contain similar limitations as claims 1-8 above, therefore are rejected under the same rationale.

Conclusion

The prior art made of record and not relied upon, which is considered pertinent to applicant's disclosure, are cited in the Notice of Reference Cited form (PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMSEY REFAI whose telephone number is (571)272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
December 15, 2007
/R. R./
Examiner, Art Unit 3627

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit
3627